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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,868	02/04/2004	Gregory B. Itsikovich	414-34864-US	3757
44871	7590	03/22/2006	EXAMINER	
MADAN, MOSSMAN & SRIRAM, P.C. 2603 AUGUSTA SUITE 700 HOUSTON, TX 77057			TSAY, FRANK	
		ART UNIT		PAPER NUMBER
				3672

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,868	ITSKOVICH, GREGORY B.	
	Examiner Frank S. Tsay	Art Unit 3672	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>13 August 2004</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-32</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-3,6,8-16,21-29,31 and 32</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>22 February 2005</u> is/are: a)<input checked="" type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p> Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p> Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>			
Priority under 35 U.S.C. § 119			
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p> 1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p> 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p> 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>			
Attachment(s)			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/4/04</u>.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>	

Claim Objections

Claims 4, 14, 17 are objected to because of the following informalities, appropriate correction is required:

In claims 4 and 17, after “comprises”, a colon (:) should be inserted.

Claim 14, line 1, after “formation” a language such as “comprising” should be inserted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 14, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 8 and 21, the language “in one of (i) a longitudinal parallel to...” is in complete, should it be “ in one of (i) a longitudinal direction parallel to...” instead ?

Claim 14, “said first signal” and “said resistivity of said earth formation” do not have proper antecedent support.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-16, 21-29, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fanini (US 6,900,640, filed 8/7/02)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Fanini et al discloses an induction well logging tool for downhole MWD operation which basically comprises all of the claimed structure including a conductive tubular 105 having at least one transmitter 109 on said conductive tubular for generating and propagating an electromagnetic field in the earth formation, and at least one receiver 111 for receiving a temporal signal 130 resulting from said electromagnetic field with the formation. The damping portion for reducing flow of eddy currents is met by the tubular segment located between the transmitter and the receiver, and further shown in Figs 11-14, which comprises at least one longitudinal cut or transverse cut. The processor for determining from said temporal signal a resistivity is anticipated by col. 4, line 35+, where the signals acquired by the receiver coil is processed to determine the resistivity of the formation, which inherently requires a processor or micro-processor. The ferrite material is anticipated by the non-conductive ferrite material 320 filled in the cuts (see Fig. 3).

- The at least one transmitter comprises at least one coil oriented to induce magnetic moment in a longitudinal direction parallel to the axis of said tubular is anticipated by Fig. 1 where a magnetic filed 110 is shown in a longitudinal direction. Similar magnetic filed for the receiver coil 120 is also shown in the same figure.
- The device for extending said borehole is anticipated by the fact that Fanini et al device is to be used in a Measurement While Drilling (MWD) environment, a drill bit and a Downhole Assembly (BHA) are deem to be used in the extension of a borehole.
- Fanini et al MWD tool is to determine the resistvity of the formation, as a consequence will also reflect the formation boundary as been clearly shown in Tables 2-8.

Allowable Subject Matter

Claims 4, 5, 7, 17-20, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wisler et al, Taicher et al, Kruspe et al, Yu et al all shown downhole induction tools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-

7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm,
2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frank S Tsay
Primary Examiner
Art Unit 3672

3/17/06